

REMARKS

Claims 1-3, 6-11 and 26-40 are pending in the above-captioned patent application after this amendment. Claims 1-4, 6, 9-13, and 15-25 have been rejected. Claims 5, 7, 8, and 14 have been objected to as being dependent on a rejected base claim. Claims 1 and 11 have been amended to more clearly define what Applicant regards as the present invention. Claims 4, 5, 12-25 have been cancelled without prejudice and claims 26-40 have been added by this amendment.

Support for the amendments to claims 1 and 11 and support for new claims 26-38 can be found throughout the originally filed application. Specifically, claim 1 was amended to include limitations from claims 4 and 5. Claim 11 was amended to include limitations of claims 12, 13 and 14. New claim 26 is based on claims 1, 2, 3, 6 and 7. Claims 27-40 are based upon claim 8, 1 and 11, 2, 4, 5, 6, 7, 7, 3, 9, 10, 11, 22 and 5, 5 respectively.

No new matter is believed to have been added by this amendment.

Reconsideration of the rejected claims and consideration of the new claims is respectfully requested in view of the above-recited amendments and the arguments set forth below.

Rejections Under 35 U.S.C. § 102(b)

Claims 22-23, 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hovakimian (U.S. Patent No. 5,466,919). Although the applicant does not agree with this rejection, applicant has cancelled claims 22-23 and 25 to expedite prosecution of the present application. Accordingly, this rejection is moot.

Rejections Under 35 U.S.C. § 103

Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hovakimian. Although the applicant does not agree with this rejection, applicant has cancelled claim 24 to expedite prosecution of the present application. Accordingly, this rejection is moot.

Claims 1-4, 6, 9-13, 15-21 have been rejected under 35 U.S.C. § 103 as being unpatentable over Hovakimian (U.S. Patent No. 5,466,919) in view of Fernandez-Holmann

(U.S. Patent No. 5,787,404). In order to expedite prosecution, applicant has (i) amended claim 1 to include limitations from claims 4 and 5, (ii) amended claim 11 to include limitations from claims 12, 13 and 14, and (iii) cancelled claims 4, 5, and 12-25 without prejudice. Claims 5 and 14 were found to contain allowable subject matter. Accordingly, claims 1 and 11 are believed to be patentable. Because claims 2, 3 and 6-10 directly or indirectly depend on claim 1, they are likewise patentably distinguishable over the cited combination of references.

Objections to the Claims

Claims 5, 7, 8, and 14 would be allowable, but are objected to as being dependent on rejected base claims. As provided above, applicant has amended claim 1 to include limitations from claims 4 and 5, and amended claim 11 to include limitations from claims 12, 13 and 14.

New claim 26 is based upon claim 7 rewritten in independent form. Thus claim 26 is believed to be patentable. Claim 27 is based upon claim 8 and is also considered to be patentable.

NEW CLAIMS

New claims 28-40 have been added by this amendment. These claims are of a slightly different scope than the previously pending claims. However, these claims are believed to be patentable in view of the cited references. For example, new independent claim 28 requires "A charity card system that facilitates a customer making a purchase from a merchant with a charitable contribution from the purchase being forwarded to a charity, the charity card system comprising (i) a charity card that identifies the customer and the charity, and (ii) a merchant computer system used by the merchant to compute the charitable contribution that is to be forwarded to the charity." Further new independent claim 39 requires "A charity card comprising a substrate, an identification of a plurality of charities recorded on the substrate and information regarding a distribution of charitable contributions among the plurality of charities recorded on the substrate."

Hovokimian (U.S. Patent No. 5,466,919) discloses the use of an existing credit card that is issued by a credit card issuing agency/bank. The credit card includes a

magnetic strip having coded information about the identification of a charity. In Hovokimian, when the credit card holder goes to a merchant and uses the credit card for making a purchase, the card data is read and sent to the card issuing bank for processing. The card issuing bank separates the charity identification data from other card processing and billing data. Then, the card issuing bank checks a charity card database for the name of the charity to set aside charity funds as determined by the card holder to be billed to the card holder account. These charity funds are then billed to the card holder charge account and thus are charitable contributions by the customer. The charity funds amounts are remitted to the charity by the card agency/bank. In contrast, in the present invention the charitable contribution are made by the merchant.

Fernandez-Holmann (U.S. Patent No. 5,787,404) is directed to a credit card based investment fund vehicle where a customer can choose to make a fixed periodic payment to a retirement investment fund and or fund it by rebates received from the card issuer.

Thus, none of the cited references teach or suggest the features required by new independent claims 28 and 39. Accordingly, claim 28-40 are believed to be patentable.

REMAINING REFERENCES

The references cited by the Examiner, but not relied on for the rejection of claims, have been noted. The remaining references are no more pertinent than the applied references, therefore, a detailed discussion of these remaining references is deemed unnecessary for a full and complete response to the Office Action.

CONCLUSION

In conclusion, Applicant respectfully asserts that claims 1-3, 6-11 and 26-40 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 858-456-1951 for any reason that would advance the instant application to issue.

Dated this 29th day of September, 2000.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'S / R' with a flourish.

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